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15 TESLA, INC. and ELON MUSK

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 AARON GREENSPAN,
15 Plaintiff,
16 v.
17 OMAR QAZI, SMICK ENTERPRISES, INC.,
18 ELON MUSK, and TESLA, INC.,
19 Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF AARTI G. REDDY IN
SUPPORT OF JOINT ADMINISTRATIVE
MOTION TO EXTEND PAGE LIMITS FOR
BRIEFING ON DEFENDANTS' MOTIONS TO
DISMISS THIRD AMENDED COMPLAINT
(CIV. L. R. 7-11)**

20 Judge: Hon. James Donato
21 Trial Date: None Set
22 Date Action Filed: May 20, 2020

1 I, Aarti Reddy, declare as follows:

2 1. I am an attorney at Cooley LLP, and counsel for Defendants Elon Musk and Tesla,
 3 Inc. (together, “Tesla Defendants”). I am admitted to practice law before all California state courts
 4 and this Court. I have personal knowledge of the matters set forth below and if called as a witness,
 5 I could and would testify competently thereto. I submit this declaration in support of Defendants’
 6 Joint Motion to Extend Page Limits for Briefing on Defendants’ Motions to Dismiss Third
 7 Amended Complaint.

8 2. On February 16, 2021, counsel for the Tesla Defendants contacted Plaintiff and
 9 counsel for the Qazi Defendants via email to propose a briefing schedule and extended page limits
 10 for motions to dismiss the TAC. The Tesla Defendants explained that their proposal, which initially
 11 allocated three weeks for each party’s principal brief on the anticipated motions to dismiss, was
 12 based on this Court’s order governing the motions to dismiss Plaintiffs’ Second Amended
 13 Complaint. Plaintiff initially responded that although he did not oppose the proposed briefing
 14 schedule, he would not consent to an extension of page limits.

15 3. However, on February 18, 2021, after counsel for the Tesla Defendants circulated a
 16 draft stipulation to an extended briefing schedule, Plaintiff indicated that he was unwilling to sign
 17 the stipulation as written because he believed that doing so could result in Mr. Qazi posting content
 18 on social media regarding Plaintiff. Counsel for the Tesla Defendants invited Plaintiff to propose
 19 revisions to the draft stipulation and emphasized that the Tesla Defendants were willing to consider
 20 Plaintiff’s proposals, but Plaintiff declined to do so.

21 4. Substantial harm or prejudice would result to Defendants if forced to brief their
 22 motions to dismiss on the current timeline. The TAC spans 78 pages and includes claims for
 23 copyright infringement, violations of the federal securities laws, and California state-law claims.
 24 The TAC also includes thirteen exhibits totaling more than 300 additional pages. The TAC’s length
 25 and complexity requires Defendants to develop and address numerous factual and legal arguments,
 26 warranting additional time.

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5. Additionally, the Tesla Defendants would face prejudice under the current timeline because their lead counsel, John Dwyer, has been engaged in an arbitration during the week of February 15, and thus unable to devote significant time to this matter.

6. This Court previously granted the Tesla Defendants' motion to set a briefing schedule for their motion to dismiss the First Amended Complaint. *See* ECF No. 40. The Court also set a briefing schedule for Defendants' motions to dismiss the Second Amended Complaint. *See* ECF No. 71. There have been no other time modifications in this case.

7. Discovery in this case is stayed, a schedule for the case has not been set, and there is no case management conference on calendar. *See* ECF Nos. 63, 64. Thus, the extension of time in the Parties' stipulated request will not have any effect on the case schedule.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of February, 2021, at San Francisco, California.

/s/ Aarti Reddy
Aarti Reddy

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